

S/N 10/805,844

Response to Office Action Dated Aug 22, 2005

REMARKS

In response to the Office Action dated Aug 22, 2005, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 4-8, and 13-15 are pending in the application. Claims 1-3, 9-12, and 16-20 have been canceled without prejudice to or disclaimer of the subject matter recited therein.

A review of the claims indicates that:

Claims 1-20 were previously pending.

Claims 4, 6-8, 13, and 15 are currently amended.

Claims 1-3, 9-12, 16-20 are canceled.

No new claims are added.

Claims 4-8 and 13-15 remain in this application.

Claims 1-3, 10-12, and 18-20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,636,918 to Lott (hereinafter "Lott").

Claims 8 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lott in view of U.S. Patent No. 5,915,825 to Weister (hereinafter "Weister").

Claims 9 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lott.

Claims 4-7 and 13-15 are objected to as being dependant upon a rejected base claim.

S/N 10/805,844

Response to Office Action Dated Aug 22, 2005

1 In view of the following remarks, Applicant respectfully requests
2 reconsideration of the rejected claims.
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4 **Allowable Subject Matter**

5 Applicant wishes to thank the Office for its indication of allowable subject
6 matter. **Without prejudice** to future continuation applications, and **with traverse**
7 to the Office's rejections listed above, Applicant has made appropriate claim
8 amendments to ameliorate the Office's objections to claims 4-7 and 13-15.
9 Claims 4-7 and 13-15 have been rewritten to include all the limitations of the base
10 claim and intervening claims.
11

12 **Claim 4**

13 Claim 4 has been rewritten as an independent claim with all of the
14 limitations of base claim 1. Applicant submits that claim 4 is now allowable, as
15 suggested by the Office.
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17 **Claims 5-6**

18 Claims 5-6 depend from claim 4, and dependent claims contain all of the
19 limitations of the claims from which they depend. Because claim 4 has been
20 rewritten as an independent claim to overcome objection, Applicant submits that
21 claims 5-6 are now allowable.
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S/N 10/805,844

Response to Office Action Dated Aug 22, 2005

Claim 7

Claim 7 has been rewritten as an independent claim with all of the limitations of base claim 1. Applicant submits that claim 7 is now allowable, as suggested by the Office.

Claim 13

Claim 13 has been rewritten as an independent claim with all of the limitations of base claim 10. Applicant submits that claim 13 is now allowable, as suggested by the Office.

Claim 14

Claim 14 depends from claim 13, and dependent claims contain the language of the claim from which they depend. Because claim 13 has been rewritten as an independent claim to overcome objection, Applicant submits that claim 14 is now allowable.

Claim 15

Claim 15 has been rewritten as an independent claim with all of the limitations of base claim 10. Applicant submits that claim 15 is now allowable, as suggested by the Office.

S/N 10/805,844

Response to Office Action Dated Aug 22, 2005

35 U.S.C. §103(a)**Claim 8**

The Office rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over the Lott reference in view of the Weister reference.

Claim 8 is amended to be an independent claim including all of the limitations of canceled base claim 1.

Claim 8, as amended, recites:

An apparatus for receiving and retaining an independently powered light, the apparatus comprising:

an elongated molded body having a first aperture extending through the length of the elongated molded body and a second aperture extending through the length of the elongated molded body;

wherein the first aperture is adapted to receive and retain the independently powered light therein and the second aperture is adapted for attachment to a tool,

wherein the second aperture is configured to receive a notch-key protruding from the tool.

Applicant submits that the Lott reference in view of the Weister reference does not teach or suggest the apparatus of claim 8. In particular, neither Lott nor Weister teaches or suggests "wherein the second aperture is configured to receive a notch-key protruding from the tool" as required by claim 8.

The Office admits that Lott does not teach this feature and thus relies on Weister for this feature. (Office Action, page 4). However the Weister reference fails to teach or suggest "wherein the second aperture is configured to receive a notch-key protruding from the tool" as required by claim 8. Instead, Weister shows an illuminated mirror tool that includes a holder containing two apertures.

S/N 10/805,844

Response to Office Action Dated Aug 22, 2005

1 The apertures of this holder contain a material, preferably foam rubber,
2 compressed between the inner wall of the aperture and the outer wall of the
3 particular item placed inside. (Weister, column 3, lines 26-38). In this manner,
4 frictional interaction between the compressible material and the outer wall of the
5 particular item placed inside may be used to secure the item within the aperture.
6 (Weister, column 3, lines 34-37).

7 Weister further discloses forming the compressible material, or rubber, into
8 "...a plurality of resilient projections". (Weister, column 3, lines 43-44; see also
9 Figure 9). However, this disclosure of a large number of tiny rubber projections
10 for friction along the entire inner wall of the aperture does not teach or suggest a
11 specific locking mechanism with key and notch configuration for securing a
12 notched tool, as in Applicant's apparatus. The multiple rubber projections work to
13 increase friction between the aperture opening and inserted item. In contrast,
14 Applicant's aperture configuration, used in conjunction with a notched tool, works
15 as a locking mechanism to secure the tool in place at its point of attachment.
16 Thus, the Lott and Weister references alone or in combination do not teach or
17 suggest the apparatus recited in claim 8.

18 In rejecting claim 8, the Office relies on Figures 8 and 9; and col. 3, lines
19 36-47 of Weister as disclosing an apparatus holding a tool in a second aperture
20 receiving a notch protruding from the tool. (Office Action, page 4). As noted
21 above, however, Weister teaches securing an item within an aperture through the
22 use of a compressible material between the inner wall of the aperture and the outer
23 wall of the particular item placed inside the aperture. Lott adds nothing to the
24 missing teachings of Weister.

S/N 10/805,844

Response to Office Action Dated Aug 22, 2005

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2 Because the Lott and Weister references alone or in combination do not
3 teach or suggest the apparatus recited in claim 8, Applicant respectfully submits
4 claim 8 is allowable over the Lott and Weister references.
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S/N 10/805,844

Response to Office Action Dated Aug 22, 2005

Conclusion

The Applicant submits that all of the remaining claims are in condition for allowance and respectfully requests that a Notice of Allowability be issued. If the Office's next anticipated action is not the issuance of a Notice of Allowability, the Applicant respectfully requests that the undersigned attorney be contacted for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: Nov 21, 2005By: Jim Patterson

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